

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-21-C - ORDER NO. 2001-128
FEBRUARY 8, 2001

IN RE:	Application of American Fiber Network, Inc.)	
	for a Certificate of Public Convenience and)	ORDER DENYING
	Necessity to provide Intrastate Resold and)	REQUEST
	Local Exchange Telecommunications)	
	Services within the State of South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a request for a Protective Order to treat the financial statements of American Fiber Network, Inc. (American Fiber Network or the Company) as confidential information and not to make the financial statements available as a public record. In its request, American Fiber Network states that the Company is privately held and the release of its financial statements could potentially be detrimental to the Company.


Public records are defined as official items of information within the files of the Commission which are available for inspection by the public. Public records include financial, statistical, and other reports to the Commission in addition to any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation. 26 S.C. Code Ann. Regs. 103-804 (Y)(1)(b)(Supp. 2000). Moreover, "any person has the right to inspect or copy any public record of a

public body...” S.C. Code Ann. §30-4-30 (1976). After reviewing the Company’s request and the aforementioned law, we find that American Fiber Network’s request that its financial statements remain confidential and unavailable to the public as a public record should be denied.


IT IS THEREFORE ORDERED:

1. American Fiber Network’s request that its financial statements remain confidential and unavailable to the public is denied.
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)